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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. WEST).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC
April 4, 2011.

I hereby appoint the Honorable ALLEN WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

CONFLICT IN LIBYA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I rise to address three aspects of the conflict in Libya. The first of these is I think the most important. Our efforts to bring freedom and democracy to Libya should not be the occasion to undermine democracy and the rule of law here in the United States. Now there is considerable constitutional argument about the powers of the President. There are those who say he cannot

take any military action without first an action by Congress. But in 1802, President Jefferson sent American naval and marine forces, in the words of the song, to the shores of Tripoli, and the founding generation of this country thought that that was consistent with Presidential power. So those who think that the President has no power to ever engage, I think must look at our history, as well as the text of our Constitution.

At the same time, there are those who say the President can do anything without congressional approval, and I think those folks go way too far. The answer is the War Powers Act, the law of the land, and we need to make sure that it is followed.

Now that law not only requires various reports and consultation, it says that if hostilities are to continue for more than 60 days, that Congress must pass in both Houses a resolution authorizing such activity, and that if after 60 days Congress has not passed such resolution, then the President has 30 days to withdraw. This is the law of the land.

And yet last week in both private session and in public hearings, high ranking members of the State Department declared by their vagueness that they might not follow the War Powers Act. That is why it is critical that we as a Nation demand that even those who are sworn to uphold the law, follow the law themselves, and that we in Congress add to any spending bill a provision that says no funds shall be spent for the purpose of violating section 5 of the War Powers Act which some also refer to as the War Powers Resolution.

Second, who pays for all of this? The cost is far greater than the \$500 million to \$600 million being estimated by the Defense Department. I am a CPA. They are using the marginal cost approach, which is widely discredited. Any full costing will show what the American

people fully understand, and that is that this is costing us billions of dollars every week. Now, we have seized \$30 billion of Libyan assets, assets of Qadhafi that were invested here in the United States. Those assets should be used first before we use money collected from American taxpayers.

Libya produces more oil per capita than any nation you can find on a map without a magnifying glass; more oil per capita, per person, than even Saudi Arabia. I realize Libya will need to be rebuilt, but its oil revenues will return and provide for that. And we should quietly insist that the Benghazi council pass a resolution authorizing the United States to use those seized Libyan assets to fund our military efforts.

But there is something even more that we should insist on from those who are running eastern Libya, and that is that they use their best efforts, and I realize they are disorganized, to cut off their contact with and even seek to extradite those in their midst who have American blood on their hands. There is, for example, Mr. al-Hasadi who fought us in Afghanistan and Pakistan who brags that he dispatched soldiers to kill America's finest in Iraq, and who is now one of the rebel commanders. We should insist that such individuals be turned over to the United States, and if they can't find them, that they at least disassociate themselves.

Now, the administration responds by saying that Qadhafi has American blood on his hands. And I am sure that Qadhafi has, after Pan Am 103, more American blood on his hands than do any collection of rebel leaders. But is this the standard by which we judge those that we ask our men and women to die for, to put themselves in harm's way for, to kill for?

I do not think that it makes sense to say that the rebels should be aided as long as they have less American blood on their hands than does Mr. Qadhafi.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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